

EXHIBIT 4

P1EsTHE1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 THE NEW YORK TIMES COMPANY,

4 Plaintiff,

5 v.

23 Civ. 11195 (SHS)

6 MICROSOFT CORPORATION, et al.,

7 Defendants.

8 -----x
9 DAILY NEWS, LP, et al.,

10 Plaintiffs,

11 v.

24 Civ. 03285 (SHS)

12 MICROSOFT CORPORATION, et al.,

13 Defendants.

14 -----x
15 THE CENTER FOR INVESTIGATIVE REPORTING, INC,

16 Plaintiff,

17 v.

24 Civ. 04872 (SHS)

18 OPEN AI, INC., et al.,

19 Defendants.

20 -----x

21 New York, N.Y.
22 January 14, 2025
23 10:45 a.m.

24 Before:

25 HON. SIDNEY H. STEIN,

District Judge

P1EsTHE1

1 Times and the Daily News.

2 Then the enrichment issue, that is direct copyright
3 infringement regarding these infringements. That's just the
4 Center for Investigative Reporting, Count Three.

5 Then New York State trademark delusion, trademark
6 delusion. That's Count Eight for the Daily News.

7 And last on my list is federal trademark delusion,
8 count Seven for the Daily News.

9 All right. Let's start with direct copyright
10 infringement in terms of the statute of limitations. Let me
11 hear first from, on the motions, I'll hear first from the
12 defendants, whichever defendant has raised it.

13 I would really like to keep down the amount of
14 duplication, so if one of the defendants says basically all
15 that is necessary, then let's not have duplication. It seems
16 to me that this is quintessentially an issue of fact that I
17 can't say that, as a matter of law, when the parties became
18 aware of the infringement, especially if I'm going to use the
19 test of, there has to be no doubt as to when the parties became
20 aware of it.

21 So the point here is, I think we're dealing with a
22 question of fact. What defendant wants to tell me I'm wrong?

23 MS. HURST: Your Honor, Andy Gass from Latham &
24 Watkins on behalf of OpenAI.

25 We can keep this one pretty short. We've got a long